

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KHAMPHOY PHOMMA,
Petitioner,

v.

THERESA DELBALSO, et al.,
Respondent.

CIVIL ACTION
NO. 17-499

ORDER

AND NOW, this 15th day of February 2018, upon consideration of the Petition for a Writ of Habeas Corpus (Doc. No. 1), the pertinent state court record, the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter (Doc. No. 10), Petitioner's Request for Immediate Stay and Abeyance (Doc. No. 12), and in accordance with the Opinion issued this day, it is **ORDERED** that:

1. The Report and Recommendation (Doc. No. 10) is **APPROVED** and **ADOPTED**.
2. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED**.
3. The Request for Immediate Stay and Abeyance (Doc. No. 12) is **DENIED**.
4. A Certificate of Appealability **SHALL NOT** issue because, based on the analysis contained in the Magistrate Judge's Report and Recommendation, as approved and adopted by this Court, Petitioner has not made a substantial showing of the denial of a constitutional right and reasonable jurists would not debate the correctness of this

ruling. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473 (2000).

5. The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.